

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 6-98-68**  
**WDID NO. 6A099807N01**

**AGAINST RON WILLIAMS AND LAKEVIEW SPORTS BIKE AND JET SKI RENTAL  
FOR VIOLATION OF WASTE DISCHARGE PROHIBITIONS PRESCRIBED IN THE  
WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION FOR THE  
UNAUTHORIZED DISCHARGE OF PETROLEUM PRODUCTS  
LAKEVIEW SPORTS BIKE AND JET SKI RENTAL  
3131 LAKE TAHOE BLVD., SOUTH LAKE TAHOE  
EL DORADO COUNTY**

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The California Regional Water Quality Control Board, Lahontan Region (Regional Board), finds:

1. Discharger

Lakeview Sports Bike and Jet Ski Rental has violated provisions of law and an order of the Regional Board, for which the Regional Board may impose administrative civil liability under Section 13385 of the California Water Code.

2. Facility

Ron Williams is the owner of Lakeview Sports Bike and Jet Ski Rental which operates the facility, located at the dock behind the Beachcomber Inn, 999 Lakeview Drive, South Lake Tahoe, El Dorado County, APN 026-043-151. For purposes of this Order, Ron Williams and Lakeview Sports Bike and Jet Ski Rental are identified as the Discharger, and the Lakeview Sports Jet Ski Rental facility located on the dock behind the Beachcomber Inn, is identified as the Facility.

3. Facts

The Discharger operates a business for rental of Jet Skis in Lake Tahoe. On July 28, 1998 at 3:30 p.m., Lahontan staff received a complaint of a gasoline spill at this facility from Oscar Hernandez of the El Dorado County Department of Environmental Management. Shortly thereafter, Regional Board staff arrived at the facility and met with the complainant. Regional Board staff observed gasoline dripping from a nozzle hanging from a hook directly above Lake Tahoe waters.

Regional Board staff collected a water sample (Lahontan Sample ID No. 989EN032) from Lake Tahoe in the vicinity of the discharge and took photographs of the sampling location and the fueling system.

### Sample Results

| <u>Constituent</u>                | <u>Lakeview Sports<br/>Water Sample</u> | <u>Maximum<br/>Contamination<br/>Limit (MCL)</u> |
|-----------------------------------|---|--|
|                                   | -----micrograms per liter -----         |  |
| Total Petroleum Hydrocarbons, gas | 320.0                                   | 50.0   |
| Benzene                           | 5.9                                     | 1.0  |
| Toluene                           | 69.0                                    | 42.0   |
| Ethylbenzene                      | 7.9                                     | 29.0   |
| Xylene                            | 45.0                                    | 17.0   |
| Methyl Tertiary Butyl Ether, MTBE | 99.0                                    | 35.0   |

The benzene concentration exceeds the primary MCL established for drinking water. Concentrations of total petroleum hydrocarbons for gasoline, toluene, xylene and MTBE were in excess of secondary MCLs. The discharge of petroleum products violates Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region*.

The fueling system consisted of a 55-gallon drum connected to clear plastic flexible tubing attached to a metal ball valve which was used to regulate flow. This system was used to fill five-gallon gasoline cans, which were then used to fuel the Jet Skis.

Staff instructed the site attendant, an employee of the Discharger, to immediately remove the nozzle from above Lake Tahoe waters, place it thereafter in secondary containment (a five gallon bucket), and repair the defective valve before resuming fueling operations. A follow up inspection on July 31, 1998, showed that these improvements had been made, but that the fuel line was still hanging directly above waters of Lake Tahoe with the five gallon bucket hanging next to it.

#### 4. Factors Affecting the Amount of Civil Liability

Pursuant to Section 13385 (e) of the California Water Code, the Regional Board Executive Officer has considered the following factors in determining the proposed amount of the administrative civil liability:

- a. *The nature, circumstances, extent, and gravity of the violation or violations;*

This incident involves discharge of petroleum products to Lake Tahoe in violation of Plan prohibitions and water quality objectives. The circumstances of the incident show negligence on the part of the Discharger. The material discharged is also very toxic at low concentrations. Benzene is a carcinogen; toluene is a reproductive toxicant; and MTBE is a possible carcinogen. Concentrations of gasoline constituents were high in the vicinity of the fueling area. The extent and gravity of the discharge are unknown; but are considered to be limited to the general area of the Facility.

- b. *The violator's ability to pay;*

The owner of Lakeview Sports Bike and Jet Ski Rental owns several businesses in El Dorado County. Imposition of the maximum amount of civil liability under Section 13385 would not appear to have a significant impact upon operation of this business.

- c. *Any prior history of violations;*

Businesses storing 55 or more gallons of hazardous materials are required to file a Business Plan with El Dorado County. Lakeview Sports has not filed a Business Plan with El Dorado County for their Jet Ski Rental operation.

- d. *The degree of culpability;*

The Discharger is entirely culpable for the gasoline discharge from their fueling operation.

- e. *Any economic benefit or savings for the violation resulting from the violation test;*

None.

- f. *Other matters as justice may require.*

Regional Board staff have spent time investigating this matter and issuing the administrative civil liability complaint. Staff costs, including the public hearing, are estimated at \$5,000.

Based on the extent, gravity, and the economic savings of the violation, imposition of a civil liability less than the maximum civil liability is warranted.

5. Violations

The Discharger violated the following provision of law and order of the Regional Board:

Water Quality Control Plan for the Lahontan Region's Discharge Prohibitions for the Lake Tahoe Hydrologic Unit (Ch 5.2):

- “2. The discharge of any waste or deleterious material to surface waters in the Lake Tahoe Hydrologic Unit is prohibited.
3. The discharge of any waste earthen material, or of any other waste as defined in Section 13050(d) of the California Water Code, which would violate the water quality objectives of this Plan, or otherwise adversely affect the beneficial uses of the water designated by this Plan is prohibited...
7. The discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials to the surface waters of the Lake Tahoe Basin, is prohibited.”

6. Civil Liability - California Water Code

The Regional Board may impose civil liability under Section 13385(a)(4) when any person violates any order or prohibition issued pursuant to Section 13243. Pursuant to Section 13385(c)(1), the Regional Board may impose civil liability in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

7. Administrative Civil Liability Complaint Issued by Executive Officer

The Regional Board Executive Officer issued Administrative Civil Liability Complaint No. 6-98-63 to the Discharger on September 11, 1998. The Complaint imposed an administrative civil liability in the amount of \$5,000 for one day of violation of Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region*.

8. Amount of Civil Liability

The Discharger has violated State law and an order of the Regional Board. As discussed in Administrative Civil Liability Complaint No. 6-98-63, the Discharger has violated Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region*.

For one (1) day of violation (July 28, 1998), the Discharger is potentially liable in an amount not to exceed \$10,000, in accordance with Section 13385 of the California Water Code. Based on the evidence presented by Regional Board staff, the Discharger, or its representative, at the October 1, 1998 Regional Board meeting, and based on consideration of the factors identified in Section 13385 (e) of the California Water Code,

the Regional Board affirms Administrative Civil Liability Complaint No. 6-98-63 for the amount of \$2,500.

9. California Environmental Quality Act

This enforcement action is being taken by the Regional Board to enforce provisions of the California Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 210000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

10. Public Hearing

On October 1 and 2, 1998, at the Lake Tahoe Unified School District Board Room, in South Lake Tahoe, after due notice to the Discharger and other affected parties, the Regional Board conducted a public hearing at which the Discharger, or its representative, appeared and evidence was received concerning the violation of Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region*.

11. Amount of Administrative Civil Liability Affirmed by the Regional Board

At the October 1 and 2, 1998 public hearing, the Regional Board affirmed Administrative Civil Liability Complaint No. 6-98-63 for the amount of \$2,500 for the one (1) day of violation of Waste Discharge Prohibitions prescribed in the *Water Quality Control Plan for the Lahontan Region*.

**IT IS HEREBY ORDERED** that, pursuant of Section 13385 of the California Water Code:

1. Administrative Civil Liability Complaint No. 6-98-63, which was issued by Harold J. Singer, Executive Officer, on September 11, 1998, is hereby affirmed.
2. Administrative Civil Liability is imposed on Lakeview Sports Bike and Jet Ski Rental in the amount of two thousand five hundred dollars (\$2,500). The entire amount shall become due and payable on November 2, 1998.
3. If the above civil liability is not received at the Regional Board's South Lake Tahoe office by November 2, 1998, the Executive Officer is authorized to refer this matter to the offices of the California Attorney General for collection.

LAKEVIEW SPORTS BIKE AND  
JET SKI RENTAL  
El Dorado County

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I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 1, 1998.

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HAROLD J. SINGER  
EXECUTIVE OFFICER